

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

-----X  
GOVERNMENT EMPLOYEES INSURANCE CO.,  
GEICO INDEMNITY CO., GEICO GENERAL  
INSURANCE COMPANY and  
GEICO CASUALTY CO.,

Docket No.:

19-cv-00728 (JLS)(HBS)

Plaintiffs,

-against-

MIKHAIL STRUT, M.D. a/k/a MIKHAIL  
STRUTSOVSKIY, M.D., RES PHYSICAL  
MEDICINE & REHABILITATION SERVICES, P.C.,  
and CHERYLE HART, M.D.

Defendants.  
-----X

**UNDERTAKING**

**WHEREAS** Plaintiffs Government Employees Insurance Co., GEICO Indemnity Co., GEICO General Insurance Company and GEICO Casualty Co. (“Plaintiffs” or “GEICO”), have applied to this Court for a Preliminary Injunction and a Stay pursuant to Fed. R. Civ. P. 65;

**WHEREAS** the Court, by Order dated April 9, 2020 and entered on April 10, 2020 in the United States District Court for the Western District of New York granted Plaintiffs’ Motion and Ordered that: (i) upon Plaintiff’s deposit of \$500,000.00 security, all pending no-fault insurance collection arbitrations commenced by Defendants against Plaintiffs shall be stayed pending the disposition of Plaintiffs’ claims in this action; and (ii) upon Plaintiffs’ deposit of \$500,000.00 security, Defendants, and any person or entity acting on Defendants’ behalf, shall be enjoined from commencing any no-fault insurance collection arbitrations or no-fault insurance collection litigation against Plaintiffs pending the disposition of Plaintiffs’ claims in this action.

**NOW THEREFORE**, Plaintiffs, Maryland corporations having their principal office and place of business at 4608 Willard Avenue, Chevy Chase, Maryland, Principal; and GEICO Insurance Agency, Inc., as Surety, in consideration of the Court's issuance of the Preliminary Injunction and Stay, do hereby undertake in the sum of Five Hundred Thousand (\$500,000.00) Dollars, and promise that the Plaintiffs will pay to the Defendants damages, not exceeding the sum of Five Hundred Thousand (\$500,000.00) Dollars, as they may sustain by reason of the Preliminary Injunction and Stay, if the Court finally decides that the Plaintiffs were not entitled to it.

**IN WITNESS WHEREOF**, the Principal and Surety have caused this undertaking to be signed by its duly authorized officers at Fort Salonga, New York and Stafford, Virginia this 15<sup>th</sup> day of April, 2020.



Name: Kim Ottman  
Title: Claim Assistant Vice President, GEICO

(Seal)



Name: Melissa Gallaro  
Title: President. GEICO Insurance Agency

(Seal)

The foregoing undertaking is hereby approved  
this 15th day of April, 2020.

S/John L. Sinatra, Jr.  
John L. Sinatra, Jr., United States District Judge